

APPENDIX A - BUILDING LINE RESTRICTIONS

Since 1925 various building lines restricting the placement of buildings in relation to streets have been adopted by the Commission. Since these restrictions are adopted by statutory authority given to a planning commission, they are not part of the Zoning Regulations and are, therefore, not subject to variance by the ZBA. In all instances where these Regulations impose different restrictions, the more restrictive requirements apply.

Old Center Street

October 1, 1975. That rear building lines be established, located in the vicinity of Old Center Street and extending from Center Street (as relocated) to Old Kings Highway South, affecting properties fronting also on Boston Post Road and Tokeneke Road, all in CB Zone. The adopted rear building lines to be located generally 80 feet from Tokeneke Road and 140 feet from Boston Post Road, as shown on a map on file with the Darien Town Clerk.

Tokeneke Road and Old Kings Highway South

October 5, 1975. That a uniform building setback requirement of 30 feet inward from the presently existing street right-of-way line be established, extending along the southeasterly side of present Old Kings Highway South from Connecticut Turnpike to Tokeneke Road, and along the southerly side of present Tokeneke Road from Old Kings Highway South to Connecticut Turnpike, as shown on a map on file with the Darien Town Clerk.

Post Road and Old Kings Highway South (Center Street to Corbin Drive)

June 1, 1961. Rear building lines became effective on properties located on Boston Post Road and on Old Kings Highway South, between Center Street and Corbin Drive, as described on map adopted by Commission entitled "Building Line Map No. 1, Town of Darien".

Post Road and Old King's Highway South (Amended)

December 31, 2006. The rear building line established as of June 1, 1961, is amended as shown on a map entitled "Compilation Survey Depicting Revision of Rear Building Line; 1014-1020 Boston Post Road, Darien, Conn.," adopted by the Planning and Zoning Commission and recorded on the Darien Land Records.

Old Kings Highway South (Between Corbin Drive and Center Street)

November 1, 1979. That a front building line be established 100 feet forward and/or parallel to the adopted rear building line established June 1, 1961, for certain properties fronting on the westerly side of Old Kings Highway South and located generally between Corbin Drive and Center Street, as shown on a map on file with the Darien Town Clerk.

Post Road and Old King's Highway South—Center Street to Corbin Drive (Amended)

November 11, 2007. The rear building line established as of June 1, 1961 and again amended on December 31, 2006, is amended as shown on a map entitled "Compilation Survey Depicting new 50 ft. rear building line; 1044 Boston Post Road, prepared for Vinkath Realty, LLC, Darien, Conn.," adopted by the Planning and Zoning Commission and recorded on the Darien Land Records.

Grove Street

March 11, 2003. That a rear building line be established 100 feet parallel to the northwest side of Grove Street, affecting properties depicted on a certain map entitled, "Grove Street Rear Building Line Town of Darien", adopted by the Planning and Zoning Commission, and filed in the Darien Land Records. This amendment of Appendix A of the Regulations shall become effective at 12:01 AM on April 13, 2003.

APPENDIX B - SCHEDULE OF FEES

SCHEDULE OF FEES **PLANNING & ZONING COMMISSION**

APPLICATION FEES

	FEE**	WITH REQUIRED STATE FEE INCLUDED
AMENDMENT TO TOWN PLAN OF CONSERVATION & DEVELOPMENT	\$500	\$560
AMENDMENT TO ZONING REGULATIONS	\$500	\$560
AMENDMENT TO ZONING MAP	\$500	\$560
SPECIAL PERMIT:		
New Construction involving principal use or structure	\$350	\$410
Other special permits or amendments	\$150	\$210
SITE PLANS/BUSINESS SITE PLANS	\$250	\$310
FINAL SUBDIVISION AND/OR RESUBDIVISION	\$500 PER NEW LOT	\$500 PER NEW LOT PLUS \$60
COASTAL SITE PLAN REVIEW	\$165	\$225
FLOOD DAMAGE PREVENTION	\$165	\$225
LAND FILLING, EXCAVATION, EARTH REMOVAL &/OR REGRADING	\$165	\$225
ADMINISTRATIVE PERMITS including requests under CGS Section 8-26g	\$165	\$225

NOTE: Where a proposal involves multiple applications (three or more), an applicant shall pay only the two highest fees of the three or more.

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

***All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was \$30.00 per application. As of October 1, 2009, the State fee was \$60 per application.*

SCHEDULE OF FEES
ARCHITECTURAL REVIEW BOARD

APPLICATION FEES
WITH REQUIRED
STATE FEE
INCLUDED

	<u>FEE**</u>	<u>FEE**</u>
SIGN, AWNING OR FAÇADE CHANGE PERMITS (FEE IS PER SIGN, AWNING OR FAÇADE CHANGE)	\$50 PER SIGN, AWNING OR FAÇADE CHANGE	\$50 PER SIGN, AWNING OR FAÇADE CHANGE PLUS \$60

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

***All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was \$30.00 per application. As of October 1, 2009, the State fee was \$60 per application.*

SCHEDULE OF FEES
ZONING BOARD OF APPEALS

APPLICATION FEES
WITH REQUIRED
STATE FEE
INCLUDED

	<u>FEE**</u>	<u>FEE**</u>
VARIANCE, INTERPRETATION AND/OR APPEALS	\$450	\$510
REVIEW AND SIGNING OF STATE MOTOR VEHICLE DEPARTMENT FORMS	\$10	\$70

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

***All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was \$30.00 per application. As of October 1, 2009, the State fee was \$60 per application.*

SCHEDULE OF FEES
ZONING PERMITS

APPLICATION FEES
WITH REQUIRED
STATE FEE
INCLUDED

	<u>FEE**</u>	<u>FEE**</u>
For applications with a total work value of \$79,999 or less.	\$35	\$95
For applications with a total work value ranging from \$80,000 to \$250,000.	\$150	\$210
For applications with a total work value of greater than \$250,000.	\$340	\$400

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

***All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was \$30.00 per application. As of October 1, 2009, the State fee was \$60 per application.*

SCHEDULE OF FEES
ENVIRONMENTAL PROTECTION COMMISSION

	<u>APPLICATION FEES</u> WITH REQUIRED STATE FEE FEE** INCLUDED	
WETLANDS MAP AMENDMENT (no extra public hearing charge)	\$240	\$300
WETLAND REGULATIONS AMENDMENT (no extra public hearing charge)	\$840	\$900
APPLICATIONS LIMITED TO BASIC MAINTENANCE, INCLUDING: MINIMAL TREE CUTTING ONLY, POND DREDGING, PATH CLEARING, OR INSTALLATION OF A FENCE OR STONE WALL OR SITE DISTURBANCE/NEW CONSTRUCTION OF 200 SQUARE FEET OR LESS AND OTHER MINIMAL ACTIVITIES	\$200	\$260
CONSTRUCTION OF A NEW OR REPLACEMENT PRINCIPAL STRUCTURE; SIGNIFICANT ACTIVITIES WITHIN A REGULATED WETLAND; OR SIGNIFICANT FILLING & GRADING WITHIN AN UPLAND REVIEW AREA	\$1,200	\$1,260
ALL OTHER ACTIVITY FOR WORK WITHIN WETLANDS AND/OR THE REGULATED AREA	\$740	\$800
PUBLIC HEARING FEE (IN ADDITION TO THE ABOVE)	\$350	N/A

NOTE: The Town of Darien and its agencies shall not be liable for payment of any of the above fees.

***All fees specifically exclude any fee required by the State of Connecticut per Section 22a-27j of the Connecticut General Statutes, which must be collected by the Town. As of July 1, 2004, the State fee was \$30.00 per application. As of October 1, 2009, the State fee was \$60 per application.*

SUPPLEMENT TO SCHEDULE OF FEES

TECHNICAL REVIEW FEES FOR PLANNING AND ZONING COMMISSION, ZONING BOARD OF APPEALS AND ENVIRONMENTAL PROTECTION COMMISSION

Within ten days of official receipt of an application, the Director of Planning & Zoning, or his/her designee, shall make a determination whether an outside expert is needed to analyze, review and report on areas requiring technical review in order to assist the Planning & Zoning Commission, Zoning Board of Appeals and/or the Environmental Protection Commission. Such experts may include, but shall not be limited to, engineers, surveyors, architects, soil scientists, wetland biologists, wildlife biologists, and hydrogeologists.

If such a determination is made, the Director may assess the reasonable cost for such expert to the applicant based upon a preliminary estimate from the expert. The Director may collect 125% of the estimate from the applicant, which amount shall be held in escrow until the technical review is completed, and which will be the outside limit of the applicant's responsibility. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered an integral component of the application. The failure by the applicant to make this payment within five (5) days of notice of the fee assessment shall render the application incomplete.

In the event the Director does not make a determination that an outside expert is needed, the Planning & Zoning Commission, Environmental Protection Commission and/or the Zoning Board of Appeals may make such a determination up to two (2) weeks after the commencement of its public hearing on the application. However, prior to making such a determination, the respective commission or board shall determine: 1) that evidence in the record of the proceedings has been produced or is likely to be produced which requires the hiring of such an expert; 2) that the department staff will be unable to perform the technical review; and 3) that adequate time exists for the applicant to review and respond to such expert's report. The respective commission or board shall then make such a reasonable assessment and collect 125% of the estimate from the applicant, which amount shall be held in escrow until the technical review is completed and which will be the outside limit of the applicant's responsibility. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered an integral component of the application. The failure by the applicant to make this payment within five (5) days of notice of the fee assessment shall render the application incomplete.

If adequate time is not available for the Director, commission or board's review and determination on the necessity for outside expert review and/or if adequate time is not available for the outside expert to perform the analysis and report his or her findings, then the Director will advise the applicant and seek the applicant's consent for an extension of the relevant time period in accordance with Connecticut General Statutes § 8-7d.

APPENDIX C – SCHEDULE OF AMENDMENTS

<u>Amendment Number</u>	<u>Adopted</u>	<u>Effective Date</u>	<u>Section(s)</u>	<u>Revised Page Numbers</u>
1	2/29/2000	3/12/2000	560	V-28 through V-31
2	5/2/2000	6/18/2000	563(15)	V-29
3	5/15/2000	6/18/2000	1054	X-15
4	11/28/2000	12/31/2000	210, 362, 365, 405, 504, 525, 851, 854, 1043, App. A	II-7, II-11, III-10, III-11, IV-5, V-2, V-16, V-17, VIII-20, VIII-21, X-13, A-1
5	6/26/2001	7/22/2001	403k(2), 930, 931, 1125-1127, 1126a	IV-2, IX-17, XI-8 through XI-10
6	6/11/2002	6/30/2002	210, 504	II-2 through II-15, V-2
7	3/11/2003	4/13/2003	Appendix A	A-1
8	6/3/2003	10/5/2003	210, 311, 410	II-15, III-2, IV-8 through IV-11
9	6/21/2004	7/11/2004	Appendix B	B-1
10	7/6/2004	8/1/2004	560	V-28 through V-31
11	9/28/2004	10/17/2004	Appendix B	B-1
12	6/13/2005	7/3/2005	Appendix B	B-1
13	2/21/2006	3/12/2006	210, 420-425	II-15, IV-12 through IV-14
14	7/11/2006	7/23/2006	210, 311, 664, 904	II-3, II-4, III-2, VI-16, IX-3
15	12/5/2006	12/31/2006	655, 1057, Appendix A	VI-15, X-17, X-18, A-1
16a	7/10/2007	7/22/2007	210, 635, 655, 656c, 661, 664, 665, 665b, 666g, 904h, 904j, 904v	II-6, VI-11, VI-12, VI-14 through VI-19, IX-2, IX-3
16b	7/17/2007	7/29/2007	311, 313, 663c, 1022, 1024.8, 1042, 1043, 1114, 1115	III-2, III-3, VI-16, X-5, X-9, X-13, XI-5, XI-6
17	10/9/2007	11/11/2007	Appendix A	A-1
18	10/9/2007	11/11/2007	210, 311, 570-578	II-16, III-2, V-29 through V-32

APPENDIX C - SCHEDULE OF AMENDMENTS

<u>Amendment Number</u>	<u>Adopted</u>	<u>Effective Date</u>	<u>Section(s)</u>	<u>Revised Page Numbers</u>
19	4/28/2008	6/29/2008	Appendix B	B1, B2, B3
20	5/6/2008	6/29/2008	210, 651, 652, 654, 1005h	II-4, II-6, VI-13, X-3
21	11/25/2008	12/21/2008	715	VII-5
22	3/10/2009	3/29/2009	521, 530-533, 560-565	V-13, V-20 through V-32
23	3/24/2009	4/12/2009	404, 906.6, 1052-1052.7	IV-3, IX-5, IX-6, X-15 through X-18
24	3/31/2009	4/19/2009	230, 923, 923.4, 928.11	II-24, IX-11, IX-16
25	1/6/2009	5/31/2009	580	V-33 through V-38
26	5/12/2009	6/7/2009	880	VIII-27 through VIII-32
27	10/1/2009	10/1/2009	Appendix B	B1, B2, B3
28	4/6/2010	5/30/2010	210, 820	II-1 through II-18, II-29 VIII-4 through VIII-17
29	10/5/2010	10/24/2010	311, 680, 905, 907	III-2, VI-23 through VI-25, IX-4, IX-6
30	11/16/2010	11/28/2010	586	V-34
31	3/21/2011	5/1/2011	Appendix B	B-1, B-2, B-3
32	3/22/2011	6/5/2011	922c	IX-9, IX-10
33	6/7/2011	6/26/2011	210, 624i, 627	II-10, II-12, VI-8 though VI-10
34	6/28/2011	7/24/2011	226, 666, 667.1	II-23, VI-17 through VI-21
35	11/22/2011	12/18/2011	585, 614, 615, 616	V-34, VI-4 through VI-6
36	6/26/2012	7/15/2012	585	V-34
37	7/24/2012	8/5/2012	405b	IV-5

APPENDIX C - SCHEDULE OF AMENDMENTS

<u>Amendment Number</u>	<u>Adopted</u>	<u>Effective Date</u>	<u>Section(s)</u>	<u>Revised Page Numbers</u>
38	3/26/2013	4/14/2013	411, 416	IV-8 through IV-11
39	6/11/2013	6/30/2013	210, 822a, 825f(1)	II-15, II-16, VIII-4, VIII-9
40	11/12/2013	12/29/2013	210	II-3
41	11/26/2013	12/29/2013	210, 351, 354, 416, 604, 614, 634, 654, 684, 923, 925, 926, 1126, 1127	II-3, II-4, III-9, IV-11, VI-1, VI-4, VI-12, VI-15, VI-27, IX-10, IX-11, IX-13, XI-10, XI-11
42	2/25/2014	3/9/2014	1134	XI-12
43	Added to Regulations 5/23/2014	10/25/2012	590	V-39, V-40
44	10/7/2014	10/26/2014	430	IV-15 through IV-18
45	6/23/2015	7/12/2015	436b	IV-17
46	11/24/2015	12/13/2015	600, 604, 605	VI-1, VI-3
47	1/26/2016	2/28/2016	664h, 667f, 668c, 668g, 668h	VI-18, VI-20, VI-21, VI-22
48	2/9/2016	2/28/2016	210, 223, 230 334, 371, 384, 385, 406, 572a, 575, 577, 583, 588, 625, 873 925, 926, Appendix E	II-3, II-9, II-21, II-26 III-6, III-12, III-14, II-15 IV-7, V-29, V-30, V-31, V-33 through V-36 VI-9, VIII-26 IX-12 through IX-14 E1, E2
49	2/22/2016	4/24/2016	Appendix B	B1, B2, B3

APPENDIX C - SCHEDULE OF AMENDMENTS

[illegible]

APPENDIX D -
PLANNING AND ZONING COMMISSION
POLICIES AND PROCEDURES REGARDING
FILING OF NOTICE OF VIOLATION
IN THE DARIEN LAND RECORDS

Recent court decisions have upheld the authority of towns to file a Notice of Zoning Violation in the Land Records to protect the interests of those persons who may be financing, purchasing, or leasing the property. The Planning and Zoning Commission wishes to amend the Zoning Regulations to specifically permit such enforcement practices and to establish a policy to have such notices filed in the Land Records whenever appropriate and to establish a procedure which is fair to the property owner.

The practice of filing notices in the Land Records is discretionary and would not be appropriate in every situation in which there is a zoning violation. It remains incumbent on anyone interested in the property to check with the Zoning Enforcement Officer and other Town Officials to determine if there is a violation on the property. It should not be assumed that if there is not a Notice of Violation in the Land Records that there is no violation. The filing of the notice in the Land Records would not preclude the sale, lease, or financing of the property, but at least it would advise other persons of the problems and violations.

The following policies allow for a notice of violation to be filed in the Land Records and it is required that a notice of the release be filed in the Land Records when the situation is corrected. The procedure is as follows:

1. The Zoning Enforcement Officer has issued a Cease and Desist Order and the owner of the property and/or tenant and/or violator have failed to comply with said order.
2. The owner/tenant/violator have failed to appeal the Cease and Desist Order to the Zoning Board of Appeals, or the Zoning Board of Appeals has upheld the order, or portion of the order.
3. The Zoning Enforcement Officer or Director of Planning and Zoning shall place the intent to file a notice of violation in the Land Records on the Agenda of the Zoning Board of Appeals for discussion. Notice of time, date, and place of the Zoning Board of Appeals meeting shall be mailed to the owner/tenant/violator by certified mail, return receipt requested, at least seven (7) days prior to the meeting. The owner/tenant/violator of the property shall be given an opportunity to appear before the Zoning Board of Appeals and show cause why a Notice of Zoning Violation should not be filed in the Land Records.
4. The Zoning Board of Appeals may authorize, in writing, the filing of the Notice of Zoning Violation in the Darien Land Records.

5. If the Director of Planning and Zoning and/or the Zoning Enforcement Officer are aware of a situation where time is of the essence such as a pending sale, lease, financing, or refinancing of the property, they are authorized to file a Notice of Zoning Violation in the Land Records prior to a discussion with the Zoning Board of Appeals so long as a proceeding is conducted by the Zoning Board of Appeals within thirty days of the filing of the notice.
6. When the violations have been corrected and all fines and/or penalties have been paid in full, the Zoning Enforcement Officer shall file a Notice of Release of Zoning Violation in the Darien Land Records. If the owner/tenant/violator requests that the notice of release be filed, but the Zoning Enforcement Officer decides that the property is still in violation of the Zoning Regulations or the Cease and Desist Order, then the owner/tenant/violator may appeal that decision to the Zoning Board of Appeals as per Section 1122 of the Darien Zoning Regulations.

APPENDIX E

EXAMPLES OF INCLUSIONARY ZONING CALCULATIONS

A. Calculating the Number of Units Required

(1) Example: Nine lot subdivision:

The total number of on-site units proposed is nine (9).

The number of affordable units required: $9 \times 12\% = 1.08$.

All of which must be affordable to households at 80% of State Median Income (SMI):
 $100\% \times 1.08 = 1.08$.

Since only one unit is required (the 1.08 rounds down to 1.0), the remaining .08 units would have to be fulfilled via fee in lieu at the 80% level standard
 $0.08 \times \$90,600 \times 225\% = \$16,308$.

(2) Example: Nine multi-family units to be constructed:

The total number of on-site units proposed is nine (9).

The number of affordable units required: $9 \times 12\% = 1.08$.

The number of units required to be affordable to households at 80% of State Median Income (SMI): $100\% \times 1.08 = 1.08$.

Since only one unit is required (the 1.08 rounds down to 1.0), that unit shall be at the 80% SMI level.

The Commission could grant up to 4 additional units as a bonus (1/2 of 9 rounded down), provided that these units meet a 25% affordability standard (Section 585).

Now there are 13 units.

The number of affordable units required: $9 \times 12\% = 1.08$.

25% of the 4 bonus units will need to be affordable = 1.00.

Now, there are two required affordable units at the 80% SMI level, with the remainder being a fee-in-lieu calculated as:

The number of units required to be affordable to households at 80% of State Median Income: $100 \times .08 = .08$

The State Median Income for a family of four is \$90,600 (2015).

The cash contribution is calculated as follows:

$0.08 \times \$90,600 \times 300\% = \$21,744$

(see next page for another calculation example)

B. Calculating the Fee In Lieu Payment

The cash contribution provided for each dwelling unit, or fraction thereof, shall be as follows:

(1) Units affordable to households earning 80 percent of the State Median Income (SMI) for the State of Connecticut require a cash contribution equal to 300% of the State Median Income for a family of four.

(2) Example: Cash contribution based on 2015 data:

The total number of on-site units proposed is five (5).

The number of affordable units required: $5 \times 12\% = 0.6$.

The number of units required to be affordable to households at 80% of State Median Income: $100\% \times 0.6 = 0.6$.

The State Median Income for a family of four is \$90,600 (2015).

The cash contribution is calculated as follows:

$0.6 \times \$90,600 \times 300\% = \$163,080$

The total fee in lieu payment is \$163,080

(Note: As of the adoption of this Regulation, the 2015 State Median Income data was the most recent available. As time changes, this data will change. The most recent data from HUD at the time the application is filed shall be used for this calculation).